

REMARKS

In the Office Action mailed April 10, 2007, the Examiner rejected claims 1-4, 6-15, 17-25, 27-30 and 32-36. By way of the foregoing amendments and the markings to show changes, Applicants have amended claims 6, 10, 19, 21, 24, 30 and 36. The foregoing amendments are taken in the interest of expediting prosecution and there is no intention of surrendering any range of equivalents to which Applicant would otherwise be entitled in view of the prior art.

I. Claim Objections

The Office Action suggests that claim 10 should include the word "and" to create a proper markush group. Such change has been made.

II. Claim Rejection under 35 USC 112, second paragraph

The Office Action suggests that the term "the substrate", in claims 6 and 19, lacks antecedent basis. That term has been amended to read "the surface" such that antecedent basis is now properly provided.

The Office Action suggests that claims 21 and 24 appear to be contradictory. Without acquiescing in these rejections, these claims have been amended such that no further issue should exist.

The Office Action suggests that the phrase "the agent for controlling static", in claim 30, lacks antecedent basis. Claim 30 has been amended to address this issue.

The Office Action suggests that claim 36 appears to be contradictory. Claim 36 has been amended to address this issue.

III. Claim Rejections under 35 USC 103

The Office Action rejected claims 1-4, 6-15, 17-25, 27-30 and 32-36 under 35 USC 103 as being obvious and unpatentable in view of Kronz et al (5,814,398). Applicants traverse these rejections on the grounds that the Office Action has failed to establish a prima facie case of obviousness against the claims of the present application.

Each of the independent claims 1-3 in the present application recites a process of coating a surface of a bedliner of a vehicle. This process includes contacting the surface with a composition formed from a first component and a

second component where the second component includes a combination of secondary and primary amine. Each of the independent claims also recite limitations, which the Office Action has not shown as being taught or suggested in the prior art or the knowledge of the skilled artisan. Those limitations are at least as follows:

1. Claim 1 recites “at least 40% of an aspartic acid ester by weight” in the second component and recites that “the amount of the at least one secondary amine is between about 40% and about 80% by volume of the second component and the at least one primary amine is between about 10% and about 40% of the second component.”
2. Claim 2 recites a “residual monomer level that is less than about 1% by weight” and recites that “the amount of the at least one secondary amine is between about 40% and about 80% by volume of the second component and the at least one primary amine is between about 10% and about 40% of the second component.”
3. Claim 3 recites the inclusion of “a secondary amine that is aspartic acid ester”.

Since, the Office Action does not even suggest that these limitations are included in the prior art or the knowledge of the skilled artisan, Applicants contend that the Office Action fails to establish a prima facie case of obviousness against the claims of the present application.

In addition, the Office Action has not even suggested how the prior art or the knowledge of the skilled artisan would suggest the particular combinations of ingredients recited in the claims of the present application. Rather, the Office Action reads that “any other isocyanates and amines could be utilized with the expectation of success”. This statement, however, is both conclusory and false and is insufficient to establish obviousness of the claims of the present application.

Furthermore, throughout the prosecution of the present application, Applicants have suggested why the specified limitations discussed above provide particular advantage to the claimed coating process. Applicants incorporate those arguments herein by reference. Applicants contend that this is a further reason as to the non-

obviousness of the claims of the present application since the Applicants for the present application have discovered and disclosed a novel and advantageous process for providing a particular composition to a vehicle surface.

With regard to the limitations of the dependent claims, Applicants point out that the Office Action has not shown the prior art or the knowledge of the skilled artisan to teach or suggest the subject matter of at least claims 4, 6, 7, 8, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20, 21, 22, 23, 24, 25, 27, 28, 29, 30, 32, 33 and 34 particularly when those claims are read in conjunction with the other subject matter include in the claims upon which those claims depend.

By amending the application, the Applicants do not concede that the patent coverage available to them would not extend as far as the original claim. Rather, Applicants reserve the right to file a continuation application to pursue the breadth of the claims as filed. Applicants believe that the Examiner has not made a sufficient showing of inherency of the teachings of the asserted prior art, especially given the lack of teachings in the cited references of the properties that Applicants have recited in their claims.

Further, by the present amendment, it does not follow that the amended claims have become so perfect in their description that no one could devise an equivalent. After amendment, as before, limitations in the ability to describe the present invention in language in the patent claims naturally prevent the Applicants from capturing every nuance of the invention or describing with complete precision the range of its novelty or every possible equivalent. See, Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co., 62 USPQ2d 1705 (2002). Accordingly, the foregoing amendments are made specifically in the interest of expediting prosecution and there is no intention of surrendering any range of equivalents to which Applicants would otherwise be entitled.

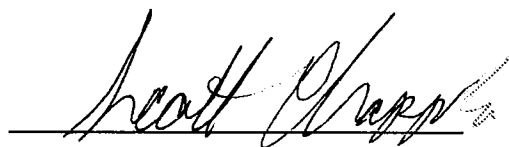
CONCLUSIONS

In view of Applicants' amendments and remarks, the Examiner's rejections are believed to be rendered moot. Accordingly, Applicants submit that the present application is in condition for allowance and requests that the Examiner pass the case to issue at the earliest convenience. Should the Examiner have any question or wish to further discuss this application, Applicant requests that the Examiner contact the undersigned at (248) 292-2920.

If for some reason Applicants have not requested a sufficient extension and/or have not paid a sufficient fee for this response and/or for the extension necessary to prevent the abandonment of this application, please consider this as a request for an extension for the required time period and/or authorization to charge Deposit Account No. 04-1512 for any fee which may be due.

Date:

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